

### **REMARKS**

The Office Action of July 19, 2007 was based on pending Claims 1-45. Claims 6, 16, 25, 27, and 28 are amended by this paper to more clearly recite and distinctly claim what the Applicant regards as the invention. Thus Claims 1-45 remain pending and are presented for further consideration.

In the Office Action dated July 19, 2007, the Examiner rejected Claims 1-45 under 35 U.S.C. §102(e) as being anticipated by Carr et al. U.S. Patent Application Publication 2003/0056104. The Applicant has carefully reviewed the Carr reference and respectfully notes that Carr et al. fails to disclose each and every element of the Applicant's claimed invention. For example, the Applicant notes that Carr does not disclose determining a risk score based upon an authenticating mark, for example, a watermark, on a negotiable instrument, for example, a check. Carr et al. fails to disclose determining whether to accept the negotiable instrument based at least in part upon the risk score. Rather, in Carr, a watermark is employed as a mechanism to encode information which is printed on a check or obtained from a bank teller or ATM's handling of a check. This encoded information may be employed to determine if the check is counterfeit or altered.

It will be appreciated that, employing the system of Carr, a check may be genuine and untampered with during its handling, yet may ultimately not be drawn upon an account having sufficient funds. By failing to assess the risk of accepting a financial instrument, such as a check, a financial institution may be placed in the position of cashing bad checks.

To address this particular problem, the Applicant's systems and methods determine a risk score associated with a financial transaction based at least in part on an authenticating mark on a document associated with the proposed transaction and further determining whether to conduct the transaction based, at least in part, on the risk score. In one specific embodiment, a risk score may be determined, based at least in part, on comparing a watermark on a payroll check with stored data on the watermark. The risk score may then be further employed to determine whether to authorize cashing of the payroll check.

**Application No.:** 10/730,868  
**Filing Date.:** December 9, 2003

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Application No.	Filing Date	Attorney Docket No.	Title
10/731,038	12/09/2003	1DATA.096A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING RECONCILIATION INFORMATION
10/731,401	12/09/2003	1DATA.098A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING BIOMETRIC INFORMATION
10/731,212	12/09/2003	1DATA.099A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING GEOGRAPHIC-RELATED INFORMATION
10/731,540	12/09/2003	1DATA.101A	SYSTEMS AND METHODS FOR ASSESSING THE RISK OF A FINANCIAL TRANSACTION USING AUTHENTICATING MARKS

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<b>Application No.</b>	<b>Filing Date</b>	<b>Attorney Docket No.</b>	<b>Title</b>
10/730,859	12/09/2003	1DATA.103A	SYSTEMS AND METHODS FOR IDENTIFYING PAYOR LOCATION BASED ON TRANSACTION DATA
10/731,294	12/09/2003	1DATA.104A	SYSTEMS AND METHODS FOR OBTAINING PAYOR INFORMATION AT A POINT OF SALE
10/731,519	12/09/2003	1DATA.105A	SYSTEMS AND METHODS FOR OBTAINING BIOMETRIC INFORMATION AT A POINT OF SALE

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### SUMMARY

From the foregoing, the Applicant believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

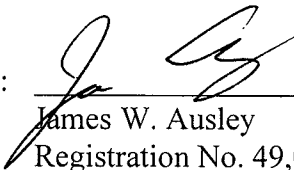
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 19, 2007

By: \_\_\_\_\_

  
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